

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2018-37
)	
AUBREY FRETT)	
)	
Defendant.)	
)	

ATTORNEYS:

Gretchen Shappert, United States Attorney
Everard E. Potter, AUSA
Nathan Brooks, AUSA
United States Attorney's Office
St. Thomas, VI
For the United States of America,

Richard Coughlin, Federal Public Defender
Kia Sears, AFPD
Federal Public Defender Office
St. Thomas, VI
For Aubrey Frett.

ORDER

GÓMEZ, J.

On June 17, 2019, the Court held a status conference with the parties. At that conference, the parties discussed the Government's failure to disclose DNA-related evidence to Aubrey Frett ("Frett") within the May 16, 2019, discovery deadline. As a consequence of the Government's failure, Frett has moved to exclude all DNA-related evidence.

At Frett's May 9, 2019, arraignment, the Magistrate Judge ordered discovery to be complete by May 16, 2019. Despite that order, the DNA laboratory report--dated November 16, 2018--was first disclosed to Frett's counsel on June 7, 2019. Trial in this matter is currently set to commence June 24, 2019.

The premises considered; it is hereby

ORDERED that, no later than 9:00 a.m. on June 18, 2019, the parties shall each file a brief addressing the following issues:

- 1) Whether Frett has suffered prejudice because of the Government's failure to disclose DNA-related evidence; and
- 2) Any appropriate remedies the Court should order in these circumstances.

s\ _____
Curtis V. Gómez
District Judge